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OCT - 7 2005

Federal Communications Commission
Office of Secretary

October 6, 2005

Marlene H. Dortch, Secretary
Federal Communications Commission
236 Massachusetts Avenue, N.E., Suite 110
Washington, D.C. 20002

-- BY HAND --

Re: Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Eminence, Missouri), MM Docket No. 01-151, RM-10167

Reclassification of License of FM Station KJEL (Lebanon, Missouri), MM Docket No. 05-1715, RM 10567

Dear Ms. Dortch:

This is to provide a courtesy copy to Rolanda Fay Smith in the Audio Division of the Settlement Agreements providing for a universal settlement of the above referenced rulemaking proceedings. The Settlement Agreements, all timely date stamped on or prior to the settlement deadline of October 3, 2005, have been filed in compliance with the Public Notice released June 20, 2005, DA 05-1688.

Attached also is a letter which reflects that service of the Ozark Broadcasting, Inc., Settlement Agreement was made on October 3, 2005. Please direct any questions directly to the undersigned.

Respectfully submitted,


A. Wray Fitch III

cc: Gene Bechtel
Lauren Colby
Rolanda Fay Smith (Room 2-B450)
Gary Smithwick

Enclosures

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Before the
Federal Communications Commission
Washington, D.C. 20554

STAMP & RETURN

In the Matter of

Reclassification of License of)
FM Station KJEL) RM-10567
(Lebanon, Missouri))

RECEIVED

JUL 25 2005

TO: Federal Communications Commission
Attn: Chief, Audio Division

Federal Communications Commission
Office of Secretary

PETITION FOR RECONSIDERATION

Four Him Enterprises, L.L.C. ("Four Him"), licensee of KHZR (formerly KHCR), Channel 249C3, Potosi, Missouri, files this Petition for Reconsideration of the *Memorandum Opinion and Order* ("Order"), released June 24, 2005. The *Order* denied Four Him's Petition for Reconsideration challenging the dismissal of Four Him's Rulemaking in this proceeding. Four Him files this further Petition for Reconsideration based on changed circumstances.¹ Four Him has entered into an agreement with Ozark Broadcasting, Inc. ("Ozark") which provides for complete resolution of this proceeding by allowing for the substitution of Channel 249C2 for Channel 249C3 in Potosi as contemplated in Four Him's Rulemaking Petition. *See*, attached Agreement.

Good cause exists to grant this Petition for Reconsideration. As more particularly set forth in the attached Settlement Agreement, Four Him and Ozark have reached an Agreement by which

¹Four Him's Petition for Reconsideration of the *Order* is proper since For Him is raising new facts, not known or existing, since issuance of the Commission's *Order*. The salient new facts are that Four Him and Ozark have entered into an agreement whereby Ozark agrees to a C0 downgrade. *See, Infinity Broadcasting* 19 FCC Red 20156 at Paragraph 3 (2004) (action on second Petition for Reconsideration) and cases cited therein; *see also, In re Flexibility in the 218 to 219 MHz Service*, 17 FCC Red 8520 (2002) (Order on Second Petition for Reconsideration), *Sioux Valley Rural Television v. FCC* 349 F.3d 667 (DC Circuit 2004).

Ozark agrees to modification of its license for KJEL to operate on 279C0 instead of 279C in exchange for certain consideration. In its Petition for Rulemaking filed on April 23, 2001, Four Him proposed the substitution of Channel 249C2 in lieu of Channel 249C3 in Potosi, Missouri, and modification of the KHZR license to reflect operation on the upgraded channel. In order to accommodate the upgrade, certain channel substitutions were necessary. Specifically, Four Him proposes to eliminate short spacing to KDAA, Rolla, Missouri, which currently operates on Channel 248A, by substitution of Channel 276A for 248A in Rolla.² The substitution in Rolla in turn causes two short spacings to two other facilities: an allotment on Channel 276A in Linn, MO, and Ozark's KJEL on 279C in Lebanon, MO. The short spacing to Channel 276A in Linn can be eliminated by substitution of Channel 248A for Channel 276A. The short spacing to KJEL is eliminated by the reclassification of KJEL as a C0 facility operating on Channel 279C0 instead of its current licensed operation on Channel 279C.

In response to Four Him's Petition for Rulemaking, the Commission issued an *Order to Show Cause* on September 20, 2002, seeking comment on why KJEL should not be downgraded to operate as a C0. Ozark was not served a copy of the *Show Cause Order* by registered mail and did not file a timely response. It did file a Motion to Accept Late Filed Opposition to Order to Show Cause indicating that it received no actual notice and intended to file an application to maintain its Class C status. Subsequently, Ozark filed a Modification Application seeking authorization to operate as a full Class C station. The Commission has since accepted and granted the application (BPH-20030401ABZ).

²Four Him will reimburse KDAA its reasonable and prudent costs for the channel switch as provided by Commission rules.

In the Commission's recently released *In Re: Revision of Procedures Governing Amendments to FM Table of Allotments, MB Docket Number 05-210* (released June 14, 2005) (*Procedures Order*) the Commission announced a 90 day settlement window to allow for resolution of pending Rulemakings. During this settlement window, the Commission is holding in abeyance its rules prohibiting payment of certain consideration in settlement of Rulemaking proceedings. The *Procedures Order* states that settlements are to be limited to proceedings in which NPRM's have been released. This should be no bar to grant of the relief requested. No further NPRM need to be issued or Comments filed in order to grant the relief requested by the parties. Although no NPRM has been issued in RM-10567, the Comment and Notice provision has already passed with respect to the proposal advanced by Four Him in its Petition for Rulemaking. In a Rulemaking³ filed by Ozark on May 22, 2001, nearly a month after Four Him's Rulemaking Petition, Ozark proposed the allocation of Channel 276C3 to Eminence, MO, which conflicts with the proposed substitution of Channel 276A for 248A in Rolla, MO, requested by Four Him. In response to the NOPR issued in the Eminence, MO, Rulemaking, Four Him filed a Counterproposal on September 4, 2001, ("Counterproposal") requesting the exact same upgrade for KHZR and channel substitutions as proposed in its Petition for Rulemaking. In its Counterproposal, Four Him also requested that Channel 281A be allocated to Eminence, MO. As noted in the attached Agreement, Ozark has agreed to withdrawal its request for allocation of 276C3 of Eminence, MO.⁴ There is no impediment

³See, *NOPR (Eminence, Missouri)* MM Docket No. 01-151; RM-10167 (July 13, 2001)

⁴The attached Agreement between Ozark and Four Him also provides for complete resolution of the Eminence Rulemaking. Ozark has agreed to withdraw its request for allocation of 276C3 to Eminence and to support Four Him's Counterproposal. Four Him reiterates its intent to apply for, construct, and operate on channel 249C2 if allocated, and will apply for and construct channel 281A if the channel is allocated to Eminence and Four Him's application is granted.

therefore to grant the channel allocations as proposed in Four Him's Petition for Rulemaking or Counterproposal.⁵ Therefore, it is requested that Four Him's Petition for Reconsideration be granted and that its request for channel substitutions as proposed in its Petition for Rulemaking or Counterproposal be granted. Specifically, Four Him requests the following change in the Table of Allocations:

	<u>Present</u>	<u>Proposed</u>
Potosi, Missouri	249C3	249C2
Rolla, Missouri	248A	276A
Linn, Missouri	276A	248A
Lebanon, Missouri	279C	279C0
Eminence, Missouri	--	281A ⁶

See, attached Engineering Statement. Grant of this Petition for Reconsideration is in the public interest by completely resolving two Rulemakings (RM-10567 and RM-10167) thereby conserving Commission and party resources.

* * * * *

⁵As noted, Four Him believes its Rulemaking Petition should be granted since it has been fully advanced in its Counterproposal in the Eminence Rulemaking proceeding. However, to the extent necessary, Four Him requests waiver of Commission's rules limiting payment of consideration in resolution of Rulemaking proceedings. The Rulemakings in both the Potosi Rulemaking and the Eminence Rulemakings were filed long ago and none of the parties could have filed for the purpose of receiving payment in exchange for dismissal. Four Him also notes that if for whatever reason the Commission determines that the Commission cannot grant the Potosi Rulemaking or Eminence Counterproposal the way is now clear to issue an NOPR.

⁶Site restricted see Engineering Exhibit 2 attached to Four Him's Counterproposal. In the event the Commission chooses not to add 281A to Eminence, Four Him requests that the Rulemaking proceed nonetheless by allocation of 249C2 in lieu of 249C3 to Potosi.

Respectfully submitted,

FOUR HIM ENTERPRISES, L.L.C.

By



A. Wray Fitch III
Timothy R. Obitts
Its Attorneys

GAMMON & GRANGE, P.C.
8280 Greensboro Drive, 7th Floor
McLean, VA 22102
(703) 761-5000

July 25, 2005

CERTIFICATE OF SERVICE

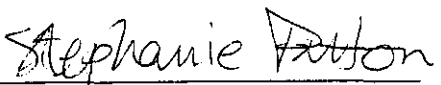
I, Stephanie Patton, in the law offices of Gammon & Grange, P.C., hereby certify that I have sent copies of the foregoing PETITION FOR RECONSIDERATION this 25th day of July 2005, by first-class, postage prepaid, U.S. Mail to the following:

John A. Karousos, Chief, Allocations Branch
Federal Communications Commission
445 12th Street, S.W., Room 3A-266
Washington, D.C. 20554

KDAA-KMOZ, L.L.C.
P.O. Box 4584
Springfield, MO 65808

Lauren Colby, Esq.
10 East 4th Street
P.O. Box 113
Frederick, MD 21701
(Counsel for Ozark Broadcasting, Inc.)

Ozark Broadcasting, Inc.
P.O. Box 430
Moberly, MO 65270


Stephanie Patton

ENGINEERING STATEMENT IN
SUPPORT OF PETITION
FOR RECONSIDERATION

RM-10567

CHANNEL 249C2 - POTOSI, MO

Four Him Enterprises, LLC
Potosi, MO

July 22, 2005

Prepared for: Mr. Michael Fallon
Four Him Enterprises, LLC
4600 Executive Center Parkway
Suite A
St. Peters, MO 63376

CARL E. SMITH CONSULTING ENGINEERS

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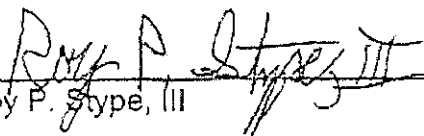
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Eminence, MO

ENGINEERING AFFIDAVIT

State of Ohio)
) ss:
County of Summit)


Roy P. Stype, III, being duly sworn, deposes and states that he is a graduate Electrical Engineer, a qualified and experienced Communications Consulting Engineer whose works are a matter of record with the Federal Communications Commission and that he is a member of the Firm of "Carl E. Smith Consulting Engineers" located at 2324 North Cleveland-Massillon Road in the Township of Bath, County of Summit, State of Ohio, and that the Firm has been retained by Four Him Enterprises, LLC to prepare the attached "Engineering Statement In Support of Petition for Reconsideration - RM-10567 - Channel 249C2 - Potosi, MO."

The deponent states that the Exhibit was prepared by him or under his direction and is true of his own knowledge, except as to statements made on information and belief and as to such statements, he believes them to be true.



Roy P. Stype, III

Subscribed and sworn to before me on July 22, 2005.



Notary Public

/SEAL/

NANCY A. ADAMS, Notary Public
Residence - Cuyahoga County
State Wide Jurisdiction, Ohio
My Commission Expires Sept. 5, 2005

ENGINEERING STATEMENT

This engineering statement is prepared on behalf of Four Him Enterprises, LLC, licensee of Radio Station KHZR(FM) - Potosi, Missouri, in support of a *Petition for Reconsideration* in RM-10567, which proposes to amend the FM Table of Allotments to upgrade KHZR to a Class C2 facility. It documents that, even with the intervening changes in the FM allotment situation since this rulemaking proposal was originally filed in 2001, the channel substitutions proposed in this rulemaking petition, as originally filed, remain valid to accomplish the proposed KHZR upgrade.

Table 1.0 is an FM allocation study for Channel 249C2, which was conducted from the reference site 4.7 kilometers northwest of Potosi which was originally specified in this rulemaking proposal. The geographic coordinates of this site are:

NL - 37° 58' 30"

WL - 90° 48' 30"

As shown in this table, operation on Channel 249C2 from this site would be short spaced to both the licensed and construction permit sites for KDAA - Rolla, Missouri, which operates on Channel 248A.^{1,2}

The short spacing to KDAA can be eliminated by substituting another channel for Channel 248A in Rolla. Table 1.1(a) is an FM allocation study for Channel 276A in

¹Pursuant to the rounding provisions of Section 73.205(c)(8) of the FCC Rules, the 78.74 kilometer spacing to KYKY - St. Louis, Missouri is considered to comply with the required spacing of 79 kilometers.

²The data contained in the FCC's Consolidated Database System appears to indicate that the proposed use of Channel 249C2 in Potosi would also be short spaced to a vacant allotment on Channel 247A in Arcadia, Missouri. This appears to be the result of a database error, however, as the the Report and Order in MM Docket 97-168 allotted Channel 280A to Arcadia and not Channel 247A, which was an alternate proposal in this proceeding. This was confirmed by the FCC in their March 17, 2000 Memorandum Opinion and Order in MM Docket 97-168, which clarified this situation by correcting a typographic error in the original Report and Order in this proceeding.

Rolla which was conducted from licensed KDAA transmitter site. Similarly, Table 1.1(b) is an FM allocation study for Channel 276A which was conducted from the KDAA construction permit site. As shown in these tables, operation on Channel 276A from either of these sites would still be short spaced to three other facilities requiring protection consideration:

NEW(CP)	Linn, MO	Channel 276A
KJEL	Lebanon, MO	Channel 279C
Rulemaking	Eminence, MO	Channel 276C3

The short spacing to Channel 276A in Linn can still be eliminated by substituting another channel for Channel 276A in Linn. Table 1.2 is an FM allocation study for Channel 248A in Linn which was conducted from the site specified in the recently granted construction permit (BNPH-20041230ADD) for this allotment. As shown in this table, operation on Channel 248A from this site would be short spaced to the present operation of KDAA on Channel 248A. As noted above, however, KDAA would be moved from Channel 248A to Channel 276A to accommodate the allotment of Channel 249C2 to Potosi. Thus, this short spacing should not be a problem, since Channel 248A will be deleted from Rolla if Channel 249C2 is allotted to Potosi, as proposed herein. An examination of this table also shows that operation on Channel 248A from this site would meet the required spacing to the proposal to allot Channel 249C2 to Potosi.

This rulemaking proposal originally proposed to trigger a Class C0 downgrade for KJEL to eliminate the short spacing between KJEL and the use of Channel 276A in Rolla. Although KJEL has opposed such a downgrade and presently has an application (BPH-20030401ABZ) pending for a construction permit to increase its antenna

height to maintain full Class C status, a settlement agreement has been reached which will result in the dismissal of this application and the downgrade of KJEL to a Class C0 facility, which will eliminate this short spacing and permit the substitution of Channel 276A for Channel 248A in Rolla at either KDAA's licensed site or the site specified in its construction permit.

The rulemaking proposal to allot Channel 276C3 to Eminence, Missouri was initiated by the filing of a rulemaking petition by the licensee of KJEL after the filing of the KHZR rulemaking petition. The settlement agreement which has been reached with the licensee of KJEL to dismiss its pending construction permit application and accept a Class C0 downgrade also specifies that they will withdraw the proposal to allot Channel 276C3 to Eminence, which should eliminate the short spacing between Channel 276A in Rolla and the proposed allotment of Channel 276C3 to Eminence. Even if it does not, however, the fact that the KHZR rulemaking proposal was filed prior to the Eminence rulemaking proposal makes it obvious that the KHZR proposal was timely filed to be considered as a counterproposal in the Eminence rulemaking proceeding (MM Docket 01-151).

The licensee of KHZR also filed timely comments in the Eminence rulemaking proceeding noting that this conflict could be eliminated by allotting Channel 281A to Eminence, rather than Channel 276C3, as originally proposed. Table 1.3 is an FM allocation study for Channel 281A, which was conducted from the originally specified site which is located 12.2 kilometers northwest of Eminence. The geographic coordinates of this site are:

TABLE 1.0 (cont'd)

FM ALLOCATION STUDY - CHANNEL 245C2 (97.7 MHz) - POTOSI, MO
 FOR HIM ENTERPRISES, LLC
 POTOSI, MO

Notes:	1 - Applied For Under Section 73.210	7 - Pending Application
	2 - Construction Permit	8 - Petition For Reconsideration
	3 - Channel Deletion Proposed	9 - Proposed Rulemaking
	4 - Move From This Channel Ordered	10 - Rulemaking Petition
	5 - Move to This Channel Ordered	11 - Short-Seaced
	6 - One Step Reference Site	12 - Vacant Allotment

TABLE 1.1(a)

FM ALLOCATION STUDY - CHANNEL 276A (103.1 MHz) - ROLLA, MO

FOR HIM ENTERPRISES, LLC
POTOSI, MO

STUDY COORDINATES: 37/57/50 91/45/54

STATION	LOCATION	CHANNEL	CLASS	SPACING (km)	REQUIRED SPACING*	NOTES
WIL-FM	ST. LOUIS, MO	222	C	132.81	29.0	
ALLOTMENT	MOUNTAIN GROVE, MO	223	A	101.45	10.0	12
KELE-FM	MOUNTAIN GROVE, MO	223	A	101.45	10.0	7
KNDY	WEST PLAINS, MO	273	C2	141.91	55.0	
KEZK-FM	ST. LOUIS, MO	273	C	143.03	95.0	
KQUL	LAKE OZARK, MO	274	A	71.61	31.0	
KMKO-FM	MARSHALL, MO	275	C1	101.60	133.0	
KMKO-FM	MARSHALL, MO	275	C1	105.97	133.0	1.2
KEZS-FM	CAPE GIRARDEAU, MO	275	C1	203.92	133.0	
KHOZ-FM	HARRISON, AR	275	C1	214.49	133.0	
BNFH20041200AD	LINN, MO	276	A	60.31	115.0	3, 3, 11
BN10167	EMINENCE, MO	276	C3	89.50	102.0	3, 10, 11
KLOU	ST. LOUIS, MO	277	C1	142.04	133.0	
KLOU	ST. LOUIS, MO	277	C1	143.03	133.0	2
KWCK	MOUNTAIN VIEW, AR	277	C	242.44	165.0	
KLUK	POPLAR BLUFF, MO	278	C2	177.42	55.0	
KJEL	LEBANON, MO	279	C	87.90	95.0	3, 11
KJEL	LEBANON, MO	279	C	87.90	95.0	3, 7, 11
KJEL	LEBANON, MO	279	C0	87.90	85.0	9

* Required Spacing Per Section 73.207 of The FCC Rules

TABLE 1.1(a) (cont'd)

FM ALLOCATION STUDY - CHANNEL 276A (103.1 MHz) - ROLLA, MO

FOR HIM ENTERPRISES, LLC
POTOSI, MO

Notes:

- | | |
|--------------------------------------|----------------------------------|
| 1 - Applied For Under Section 70.215 | 7 - Pending Application |
| 2 - Construction Permit | 8 - Petition For Reconsideration |
| 3 - Channel Deletion Proposed | 9 - Proposed Rulemaking |
| 4 - Move From This Channel Ordered | 10 - Rulemaking Petition |
| 5 - Move to This Channel Ordered | 11 - Short-Spaced |
| 6 - One Step Reference Site | 12 - Vacant Allotment |

TABLE 1.1(b)

FM ALLOCATION STUDY - CHANNEL 276A (103.1 MHz) - ROLLA, MO

FOR HIM ENTERPRISES, LLC
POTOSI, MO

STUDY COORDINATES: 37/32/39 91/44/45

STATION	LOCATION	CHANNEL	CLASS	SPACING (km)	REQUIRED SPACING*	NOTES
WIL-FM	ST. LOUIS, MO	272	C	135.84	29.0	
ALLOTMENT	MOUNTAIN GROVE, MO	223	A	93.65	10.0	12
KELE-FM	MOUNTAIN GROVE, MO	223	A	93.65	10.0	7
KKDY	WEST PLAINS, MO	273	CZ	132.52	53.0	
KEZK-FM	ST. LOUIS, MO	273	C	146.44	95.0	
KDUL	LAKE OZARK, MO	274	A	74.96	31.0	
KHMO-FM	MARSHALL, MO	275	G1	189.04	133.0	
KHMO-FM	MARSHALL, MO	275	G1	193.56	133.0	1, 2
KEZS-FM	CAPE GIRARDEAU, MO	275	G1	199.69	133.0	
KHOZ-FM	HARRISON, AR	275	G1	200.13	133.0	
BNPH220641230AD	LIHN, MO	276	A	70.05	115.0	3, 9, 11
RN10167	EMINENCE, MO	276	G3	80.47	142.0	3, 10, 11
KLOU	ST. LOUIS, MO	277	G1	145.92	133.0	
KLOU	ST. LOUIS, MO	277	G1	146.44	133.0	2
KWOZ	MOUNTAIN VIEW, AR	277	C	233.01	165.0	
KLUE	POPLAR BLUFF, MO	278	G2	169.65	55.0	
KJEL	LEBANON, MO	279	C	88.40	95.0	3, 11
KJEL	LEBANON, MO	279	C	88.40	95.0	3, 7, 11
KJEL	LEBANON, MO	279	G0	88.40	86.0	9

* Required Spacing Per Section 73.207 of The FCC Rules

TABLE 1.1(b) (cont'd)

FM ALLOCATION STUDY - CHANNEL 275A (103.1 MHz) - ROLLA, MO

 FOR HIM ENTERPRISES, LLC
 POTOSI, MO

Notes:

- | | |
|--------------------------------------|----------------------------------|
| 1 - Applied For Under Section 73.215 | 7 - Pending Application |
| 2 - Construction Permit | 8 - Petition For Reconsideration |
| 3 - Channel Deletion Proposed | 9 - Proposed Rulemaking |
| 4 - Move From This Channel Ordered | 10 - Rulemaking Petition |
| 5 - Move to This Channel Ordered | 11 - Short-Spaced |
| 6 - One Step Reference Site | 12 - Vacant Allotment |

TABLE 1.2

FM ALLOCATION STUDY - CHANNEL 248A (97.5 MHz) - LINN. MO
 FOR HIM ENTERPRISES, LLC
 POTOSI, MO

STUDY COORDINATES: 30/29/57 91/33/00

STATION	LOCATION	CHANNEL	CLASS	SPACING (km)	REQUIRED SPACING* (km)	NOTES
KUPH	MOUNTAIN VIEW, MO	245	C2	167.53	55.0	
KFTK	FLOISSANT, MO	246	C1	105.23	75.0	
KAYQ	WARSAW, MO	246	A	126.72	31.0	1
ALLOTMENT	MADISON, MO	247	C3	104.42	89.0	12
KXUS	SPRINGFIELD, MO	247	C1	176.93	133.0	
KDAA	ROLLA, MO	248	A	60.31	115.0	1,3,11
KDAA	ROLLA, MO	248	A	70.05	115.0	1,2,3,11
W3BA-FM	PITTSFIELD, IL	248	B1	152.54	143.0	
W3BA-FM	PITTSFIELD, IL	248	B1	152.73	143.0	
KDEA	DONIPHAN, MO	248	C2	231.93	166.0	2
KHZZ	POTOSI, MO	249	C2	110.65	106.0	9
KHZZ	POTOSI, MO	249	C3	114.99	89.0	3
KPOR-FM	LA MONTE, MO	249	C1	135.03	133.0	
KFDD-FM	WAYNESVILLE, MO	250	C3	73.03	42.0	
KICK-FM	PALMRYA, MO	250	C2	143.55	55.0	
KYKY	ST. LOUIS, MO	251	C1	126.12	75.0	

* Required Spacing Per Section 73.207 of The FCC Rules

Notes:

- 1 - Applied For Under Section 73.215
- 2 - Construction Permit
- 3 - Channel Deletion Proposed
- 4 - Move From This Channel Ordered
- 5 - Move to This Channel Ordered
- 6 - One Step Reference Site
- 7 - Pending Application
- 8 - Petition For Reconsideration
- 9 - Proposed Rulemaking
- 10 - Rulemaking Petition
- 11 - Short-Spaced
- 12 - Vacant Allotment

TABLE 1.0

FM ALLOCATION STUDY - CHANNEL 249C2 (97.7 MHz) - POTOSI, MO

FOR HIM ENTERPRISES, LLC
POTOSI, MO

STUDY COORDINATES: 37/28/39 92/48/30

STATION	LOCATION	CHANNEL	CLASS	SPACING (km)	REQUIRED SPACING* (km)	NOTES
KFTK	FLORISSANT, MO	246	C1	89.54	79.0	
KYHX	MARBLE HILL, MO	247	A	92.10	55.0	
KDAA	ROLLA, MO	248	A	83.13	126.0	1,2,3,11
KDAA	ROLLA, MO	248	A	84.07	126.0	1,3,11
RULEMAKING	LINN, MO	249	A	110.65	126.0	10
WDLJ	BREESE, IL	246	A	142.43	126.0	
KOEA	DONIPHAN, MO	248	C2	153.83	130.0	
WDBA-FM	PITTSFIELD, IL	248	D1	170.33	134.0	
WDBA-FM	PITTSFIELD, IL	249	D1	191.15	134.0	2
KUZR	POTOSI, MO	249	C3	4.30	177.0	3,11
WGBL	WEST FRANKFORT, IL	249	A	166.60	166.0	
WYVR	PETERSBURG, IL	249	A	234.70	166.0	
KPOW-FM	LA MONTE, MO	249	C1	245.55	224.0	
WTFE-FM	TRENTON, TN	249	C2	269.16	190.0	1
KISM-FM	AUGUSTA, AR	249	C1	314.96	224.0	
KFBD-FM	WAYNESVILLE, MO	250	C3	135.96	117.0	
KRXB	SIKESTON, MO	250	C2	149.33	130.0	1
KICK-FM	PALMYRA, MO	250	C2	206.74	130.0	
KTLU-FM	MOUNTAIN HOME, AR	250	C2	229.26	130.0	1
KYKY	ST. LOUIS, MO	251	C1	79.74	79.0	
KOZX	CABOOL, MO	251	A	149.88	55.0	
DISU20010724AC	COLUMBIA, MO	252	C2	159.39	58.0	7

* Required Spacing Per Section 73.207 of The FCC Rules

NL - 37° 14' 30"
WL - 91° 26' 00"

As shown in this table, operation on Channel 281A from this proposed site would still fully comply with the applicable spacing requirements to all other facilities requiring protection consideration.

In summary, Channel 249C2 can still be allotted to Potosi, Missouri in place of the present allotment on Channel 249C3, provided that Channel 276A is substituted for Channel 248A in Rolla, Missouri, Channel 248A is substituted for Channel 276A in Linn, Missouri, KJEL - Lebanon, Missouri is downgraded from Channel 279C to Channel 279C0, and Channel 276C3 is not allotted to Eminence, Missouri.

TABLE 1.3

FM ALLOCATION STUDY - CHANNEL 281A (104.1 MHz) - EMINENCE, MO

 FOR HIM ENTERPRISES, LLC
 POTOSI, MO

STUDY COORDINATES: 37/14/30 91/26/00

STATION	LOCATION	CHANNEL	CLASS	SPACING (km)	REQUIRED SPACING*	NOTES
KNSX	STEELVILLE, MO	227	C2	101.00	15.0	
KURG	CORNING, AR	229	C3	115.38	12.0	1, 2
KLUE	POPLAR BLUFF, MO	278	C2	107.38	55.0	
KJEL	LEBANON, MO	279	C	132.69	95.0	3
KJEL	LEBANON, MO	279	C	132.69	95.0	3, 7
KJEL	LEBANON, MO	279	C0	132.69	06.0	9
KTNX	ARCADIA, MO	280	A	75.16	72.0	1, 2
ALLOTMENT	GIDEON, MO	280	A	163.62	72.0	12
BSPH20042006AK	GIDEON, MO	280	A	163.62	72.0	7
BSPH2005010JAI	GIDEON, MO	280	A	163.62	72.0	1, 7
KPDC-FM	POCAHONTAS, AR	281	A	115.25	115.0	1
KNNH	LUTESVILLE, MO	281	A	133.73	115.0	
KJMG	JEFFERSON CITY, MO	281	A	161.11	115.0	
KSGF-FM	ASH GROVE, MO	281	C3	199.98	142.0	
WRDA	JERSEYVILLE, IL	281	C2	204.89	166.0	
WTNY	JACKSON, TN	281	C1	292.67	200.0	2
WTNY	JACKSON, TN	281	C1	292.70	200.0	
KDBB	HONNE TERRE, MO	282	A	98.81	72.0	
KXOQ	KENNETT, MO	282	A	134.08	72.0	
KBCN-FM	MARSHALL, AR	282	C	107.19	165.0	
ALLOTMENT	GRANDIN, MO	283	A	71.04	31.0	12
ALLOTMENT	DOOLITTLE, MO	283	A	86.47	31.0	12
KOCU	HARDY, AR	284	A	103.59	31.0	
KOCU	HARDY, AR	284	A	107.49	31.0	1, 2
KKLIH	MARSHFIELD, MO	284	C2	130.72	55.0	

* Required Spacing Per Section 73.207 of The FCC Rules

TABLE 1.3 (cont'd)

FM ALLOCATION STUDY - CHANNEL 281A (104.1 MHz) - EMINENCE, MO

FOR HIM ENTERPRISES, LLC
PUTOSI, MO

Notes:

- | | |
|--------------------------------------|----------------------------------|
| 1 - Applied For Under Section 73.215 | 7 - Pending Application |
| 2 - Construction Permit | 8 - Petition For Reconsideration |
| 3 - Channel Deletion Proposed | 9 - Proposed Rulemaking |
| 4 - Move From This Channel Ordered | 10 - Rulemaking Petition |
| 5 - Move to This Channel Ordered | 11 - Short-Suaged |
| 6 - One Step Reference Site | 12 - Vacant Allotment |

*Before the
Federal Communications Commission
Washington, D.C. 20554*

In the Matter of:)	
)	
Reclassification of License of)	DA 05-1715
FM Station KJEL)	RM-10567
(Lebanon, Missouri))	
)	
Amendment of §73.202(b),)	MB Docket No. 01-151
Table of Allotments,)	RM-10167
FM Broadcast Stations,)	
(Eminence, Missouri))	

TO: Marlene Dortch, Secretary
Attn: Audio Division

**JOINT PETITION FOR APPROVAL OF AGREEMENT
AND FOR OTHER RELIEF**

Four Him Enterprises, LLC ("Four Him") and Ozark Broadcasting, Inc. ("Ozark"), by their respective attorneys, hereby jointly request the Audio Division to simultaneously take the following actions:

- A. Approve the Agreement of Settlement attached hereto; and,
- B. Dismiss the application of Ozark (File No. BPH-20030401ABZ) for full Class C facilities at FM Broadcast Station KJEL, Lebanon, Missouri (the "Application"); and,
- C. Reconsider the *Memorandum Opinion and Order* (DA 05-1715), which denied Four Him's Petition for Reconsideration of the denial of its Petition for Rulemaking; and,
- D. Resolve the proceedings in Docket No. 01-151 without allocating Channel 276C3 to Eminence, Missouri and, instead, grant Four Him's Counterproposal, filed September 4, 2001, which proposes to allocate a different channel to Eminence, Missouri.

In support thereof, it is alleged:

1. On June 24, 2005, the Audio Division released a *Memorandum Opinion and Order* (DA 05-1715), denying a Petition for Reconsideration filed by Four Him and directed against a staff letter, rejecting Four Him's Petition for Rulemaking. Four Him is the licensee of Station KHZR, Channel 249C3, Potosi, Missouri. In its Petition for Rulemaking, Four Him proposed the substitution of Channel 249C2 for Channel 249C3 at Potosi and modification of the Station KHZR license to specify operation on Channel 249C2. In order to accommodate this upgrade, Four Him proposed channel substitutions at Rolla and Linn, Missouri. The channel substitution at Rolla required the reclassification of Station KJEL, Channel 279C, Lebanon, Missouri to Channel 279C0.

2. Ozark is the licensee of Station KJEL. Ozark filed the above-described Application for full Class C status for Station KJEL and, because of the filing of that Application, the Audio Division rejected Four Him's Petition for Rulemaking and denied Four Him's Petition for Reconsideration.

3. The FCC has now established a window for settlement in rulemaking proceedings. Acting on that window, Four Him and Ozark have entered into discussions, looking toward an amicable settlement of their differences. An Agreement of Settlement has been reached, a copy of which is attached hereto and marked Exhibit A. Under that Agreement, Ozark will dismiss its application for Class C facilities for Station KJEL and join in requesting the Audio Division to reconsider its action, taken by *Memorandum Opinion and Order*, released June 24, 2005, and grant Four Him's Petition for Rulemaking. In return, Four Him will pay Ozark the sum of One Hundred Thousand